

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

AMBER KOLOSKI,

Plaintiff : **CIVIL ACTION NO. 3:21-1809**

v. : **(JUDGE MANNION)**

BLAISE ALEXANDER BUICK, GMC :

Defendant :

ORDER

Presently before the court is a motion to dismiss Count 3 of the complaint, filed by the defendant on April 26, 2021 while the case was pending in the EDPA. (Doc. 4). Thereafter, upon agreement of counsel and with permission of the court, the plaintiff was given until May 14, 2021 to file a brief in opposition. While the other issues contained in the motion to dismiss were addressed by counsel (Failure to Exhaust and Change of Venue) (Docs. 8 & 11). No timely brief in opposition has been filed regarding the motion to dismiss Count 3, during the ensuing 9 months. In addition to violating the EDPA judge's order, MDPA Local Rules require a brief in opposition within 14 days. "Any party who fails to comply with this rule shall be deemed not to oppose such motion." (MDPA L.R. 7.6).

In light of the above, **IT IS HEREBY ORDERED THAT:** Count 3 of the complaint, (Doc. 1), is dismissed with prejudice.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Dated: February 14, 2022

21-1809-04